

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
04/19/2002

04/16/2002

CLERK OF THE COURT
FORM V000A

HONORABLE KENNETH L. FIELDS

C. Danos/D. Whitford
Deputy

CV 1999-012260

FILED: _____

HEATHER M ADAMS CARDENAS

RICHARD A BLACK

v.

CUSHMAN & WAKEFIELD OF ARIZONA
INC, et al.

JONATHAN F WEISBARD

WILLIAM M J SHATTUCK
WILLIAM W DRURY
J SCOTT CONLON

**JURY TRIAL
DAY ONE**

Prior to trial, the following exhibits are marked for identification: Plaintiff's Exhibits 1 through 84 are marked for identification; Defendant's Exhibits 85 through 127.

WITHDRAWN: Plaintiff's Exhibit 46

ISSUED: Exhibit Release Form

9:35 a.m. This is the time set for Trial to a Jury. Plaintiff is present with counsel, Richard A. Black. Defendant Montgomery Kone, Inc. is represented by counsel, J. Scott Conlon and Charles Stuble. Defendant's corporate representative, Rudy Mezosi, is present.

Court reporter, Sandy Ong-Wolf, is present.

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Court and counsel discuss the proposed trial schedule.

Argument is presented on Plaintiff's Motion in Limine #1 to preclude testimony that the T.S. switch has not been deactivated since the accident as well as use of Defendant's exhibits 95, 96 and 97.

Argument is presented on Plaintiff's Motion in Limine #2 re Worker's Compensation benefits.

IT IS ORDERED denying Plaintiff's Motion in Limine #1 with an opportunity to revisit as to relevance.

IT IS ORDERED granting Plaintiff's Motion in Limine #2 pursuant to the stipulation of counsel.

Argument is presented on Defendant's Motion in Limine re Elevator-Related Exhibits which do not Specifically Identify the Operation of Door Detection Devices.

IT IS ORDERED denying said motion at this point based upon what the Court understands the evidence to be.

Argument is presented on Defendant's Motion in Limine re Evidence Relating to Indemnification of Cushman & Wakefield.

IT IS ORDERED granting the motion on the issue of indemnity to the extent stated on the record and directing counsel to look at any exhibit relating to the contract to ensure that it does not contain impermissible or inappropriate language.

The trial schedule is finalized.

Following discussion of objections relative to exhibits to be used at trial, counsel are directed to look at the documents that have been marked by opposing counsel and work to resolve any objections.

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10:15 a.m. Court stands at recess.

10:29 a.m. Court reconvenes with respective parties and counsel present. The jury is all present.

Voir dire examination of jurors.

11:25 a.m. Defendant's co-counsel, William Drury, is present.

11:44 a.m. The prospective jurors are excused from the courtroom while Court remains in session.

Strikes for cause are discussed.

11:48 a.m. Court stands at recess.

1:20 p.m. Court reconvenes. Plaintiff Heather M. Adams is present with counsel Richard A. Black. Defendant Montgomery Kone is represented by counsel S. Scott Conlon and William Drury. Defendant's representative Rudy Mezosi is present.

Court reporter, Sandy Ong-Wolf, is present.

The names of the trial jurors in this case are read by the clerk.

FILED: Jury List

Counsel for Defendant invokes the Rule of Exclusion of Witnesses.

Preliminary jury instructions are read.

Opening statements.

2:15 p.m. Court stands at recess.

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Plaintiff's Exhibits 130, 131 and 132 are marked for identification.

2:30 p.m. Court reconvenes with respective counsel and parties present. The jury is present.

Court reporter, Sandy Ong-Wolf, is present.

Opening statements continue.

3:05 p.m. The jury recesses for the evening and is directed to return at **9:25 a.m. on April 17, 2002.**

Court and counsel remain to discuss legal issues.

Defense counsel moves for a directed verdict.

IT IS ORDERED denying Defendant's Motion for a Directed Verdict.

Discussion ensues re: admissibility of exhibits.

Discussion ensues re: plaintiff's itemizations.

Discussion ensues re: basis for summary chart.

Counsel are directed to confer and provide the Court with a list of the exhibits they do not object to being admitted in evidence.

3:30 p.m. Court stands at recess until April 17, 2002 at 9:30 a.m.

Plaintiff's Exhibits 133 and 134 are marked for identification.